

## **TOWN BOARD**

The Town Board, Town of Highlands, held a Public Hearing and Regular Meeting on Monday, March 8, 2010 at Town Hall, 254 Main Street, Highland Falls, NY at 7pm.

PRESENT:	Edward Magryta	----	Supervisor
	Holly Gokey	----	Council Member
	William Edsall	----	Council Member
	Laurie R. Tautel	----	Council Member
	Mervin R. Livsey, Jr.	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Magryta opened the Public Hearing on Proposed Local Law #6 of 2009. This Local Law is entitled "A Local Law Amending Chapter 210 entitled 'Zoning' of the Code of the Town of Highlands and the Zoning Map of the Town of Highlands to Rezone Property from B Business Zoning District to R-5 Apartment Residence Zoning District: 1158 Route 9W."

Justin Rider explained that the purpose of this law is to change the zoning at 1158 Route 9W from B (Business) to R-5 (Apartment residence).

Supervisor Magryta offered Greg Miller an opportunity to present his project to the Board and audience.

Mr. Miller explained that he would like the zoning changed to R-5 so he can build garden apartments. These apartments would provide more housing to the residents, including the military families that are living off post.

Supervisor Magryta reminded the audience that this is a Public Hearing and the Board will not be making a decision tonight.

### **Public Comment**

Ann Marie Feducia presented the Board with a petition with 200 signatures from people that are against the rezoning.

Chris Moyer is against the rezoning.

Bob Monroe is against the rezoning.

Bob from Rand Realty is the listing agent for that property and he said that the property has been on the market for 1 ½ years and there has been no commercial interest. He thinks the apartments are a good idea.

## **TOWN BOARD**

**MARCH 8, 2010**

Gerald Jacobowitz, a representative of Sue Kopald, who is the owner of the property said that Ms. Kopald is in favor of the change.

Ned Kopald said that he had previously asked for a copy of the application for this and he has not received it.

Mr. Rider said that no application has been filed.

Glenn Moyer asked the Board to do a thorough analysis of the impact, especially to the schools, before making a decision.

Greg Madigan stated he is not against change, but is against the rezoning.

Greg Miller said he understands the Town's concerns and thanked the Board for their time.

Council Member Tautel made a motion seconded by Council Member Livsey to close the Public Hearing. Public Hearing closed at 8:00pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)  
0-nays**

Supervisor Magryta opened the Regular Meeting at 8:01pm.

## **PUBLIC COMMENT**

Greg Madigan is concerned with the State wanting to close the Fort Montgomery Battlesite and he will write letters to try and keep it open.

Council Member Tautel said there are approximately 20-22,000 visitors to the Battlesite every year.

Supervisor Magryta said the Town is going to wait to see what the State does and then consider some options.

## **MINUTES**

Council Member Tautel pointed out two amendments that needed to be made to the March 1, 2010 minutes.

## **TOWN BOARD**

**MARCH 8, 2010**

Council Member Tautel made a motion seconded by Council Member Gokey to accept the minutes from the February 8, February 22 and March 1 meetings with the amendments being made to the March 1 meeting.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)  
0-nays**

### **AUDIT OF ACCOUNTS PAYABLE**

Supervisor Magryta has the Accounts Payable register dated February 24 in the amount of \$115,072.51.

Council Member Tautel made a motion seconded by Council Member Edsall to approve the Accounts Payable from February 24, 2010.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)  
0-nays**

Council Member Tautel spoke with John Hager and Tony Squicciarini regarding the \$770 charge from AFR on the last A/P register. Ms. Tautel is satisfied that this was a legitimate charge.

### **POLICE DEPARTMENT**

Supervisor Magryta has a request from OIC Bailey to appoint Cecil Thomas and Caesar Munoz, Jr. as part-time police officers.

Council Member Livsey made a motion seconded by Council Member Tautel to appoint Cecil Thomas as a part-time police officer.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)  
0-nays**

Council Member Livsey made a motion seconded by Council Member Tautel to appoint Caesar Munoz, Jr. as a part-time police officer.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)  
0-nays**

OIC Bailey discussed the use of Peace Officers in the Court instead of Police Officers.

Supervisor Magryta asked if there was anything in the contract that prohibited Peace Officers performing the duties instead of Police Officers.

OIC Bailey said there was nothing in the contract.

## **TOWN BOARD**

**MARCH 8, 2010**

Supervisor Magryta asked if this had to be made a local law.

Mr. Rider said he believes that Special Legislation is the preferred method, but he will review it and report at the next meeting.

Supervisor Magryta would like to discuss this at the workshop and asked OIC Bailey to attend.

Supervisor Magryta tentatively put this on the March 22 workshop.

OIC Bailey is concerned because of the influx of sex offenders wanting to move to the Town of Highlands. He researched and found that the Town can strengthen the Orange County laws to make restrictions stricter.

Supervisor Magryta said this is a workshop item and the Board would like more information.

Supervisor Magryta has a resolution stating the Town's opposition to the 9/11 trials being held in the Town of Highlands.

Council Member Livsey made a motion seconded by Council Member Tautel to adopt the resolution of the Town of Highlands Expressing its Fervent and Steadfast Opposition to Holding the Trial of the Guantanamo Bay Detainees Anywhere within the Town of Highlands, New York and Urging the President of the United States and the United States Attorney General to Designate the Place of Trial Outside the Town of Highlands.

**RESOLUTION ADOPTED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)  
0-nays**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

## **DISASTER PREPAREDNESS**

Supervisor Magryta said that the Board had previously discussed eliminating the Disaster Preparedness Coordinator. The Supervisor has a resolution to amend the 2010 adopted budget title from Disaster Preparedness Coordinator to Emergency Action Plan Administrator.

Council Member Livsey made a motion seconded by Council Member Tautel to adopt the Resolution of the Town Board Amending the 2010 Adopted Budget Titles Related to Emergency Disaster Planning.

**RESOLUTION ADOPTED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)  
0-nays**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

## **TOWN BOARD**

**MARCH 8, 2010**

Council Member Gokey made a motion seconded by Council Member Livsey to appoint Patricia Pfeister to the Emergency Action Plan Administrator position at rate of \$15.00 an hour, not to exceed \$1,000 per annum and the expenses not to exceed \$500 per annum.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)**  
**0-nays**

## **STATE AUDIT UPDATE**

Supervisor Magryta spoke to the State Comptroller's office in Newburgh and was informed that until the Town Comptroller comes back from sick leave they are unable to further evaluate that office.

## **FOIL REQUEST FEE**

Supervisor Magryta has a memo from the Town Clerk with the FOIL request fees. The Supervisor asked the Town Clerk to post on the bulletin board as soon as possible.

## **PUBLIC COMMENT**

Ann Marie Feducia asked if the meeting times could be put on Channel 23.

Council Member Livsey will handle that.

June Gunza asked if it was the Board's intention to file the annual fiscal reports that have not been filed yet.

Supervisor Magryta said the Board will follow the advice of the State Comptroller

Council Member Tautel spoke to Todd Atkinson, the Grant writer, and he informed her that the intermunicipal grant had been submitted.

Council Member Livsey made a motion seconded by Council Member Tautel to go into Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and to discuss pending or current litigation. Board went into Executive Session at 8:50pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)**  
**0-nays**

**TOWN BOARD**

**MARCH 8, 2010**

Council Member Tautel made a motion seconded by Council Member Livsey to close the Executive Session. Executive session closed at 11:03pm

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)**  
**0-nays**

Council Member Tautel made a motion seconded by Council Member Livsey to adjourn the Regular Meeting. Regular meeting adjourned at 11:04pm

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)**  
**0-nays**

Attest,